

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. 96-32

**GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
MAINTENANCE DREDGE/FILL PROJECTS
CONDUCTED IN NAVIGABLE WATERS
WITHIN THE SAN DIEGO REGION**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. Maintenance dredging and dredged material disposal are ongoing activities within the San Diego Region, which may adversely impact water quality. The dredging and disposal process can disturb bottom sediments leading to the release of pollutants into the water column by resuspension of contaminated sediment particle; dispersal of interstitial water in the sediment pores; and desorption of chemicals from the contaminated sediment. Common toxic constituents of many sediments include ammonia, low dissolved oxygen and hydrogen sulfide.
2. Maintenance dredge is defined as excavation and removal of accumulated sediment for maintenance of navigation channels, canals, and existing marina basins and boat slips to previously authorized depths or controlling depths for ingress/egress whichever is less, provided that the disposal of dredged sediment is in an area authorized by all applicable state and federal regulatory agencies.
3. Pursuant to California Water Code, Section 13263, this Regional Board issues waste discharge requirements for maintenance dredged and fill projects.
4. The issuing of this Order establishing general waste discharge requirements is consistent with the goal to provide water resources protection, enhancement and restoration while balancing economic and environmental impacts as stated in the Strategic Plan of the California State Water Resources Control Board and the Regional Water Quality Control Boards.
5. Bristol Cove Dredging Project, Aqua Hedionda Lagoon Dredging Project, and Oceanside Harbor-Sand Disposal Project are currently regulated by the following individual waste discharge requirements Order Nos. 75-35, 86-44, and 94-124.
6. Section 404 of the Federal Clean Water Act establishes a

federal program for regulating the discharges of dredged and fill material into waters of the United States (U.S). The Section 404 program is administered at the federal level by the U.S. Army Corps of Engineers (ACOE) and the U.S. Environmental Protection Agency (or U.S EPA). Therefore proponents of project regulated by this general permit shall obtain a 404 permit from ACOE.

7. Pursuant to Section 401 of the Clean Water Act (CWA), this Regional Board considers whether waste discharge requirements should be adopted for an activity subject to CWA Section 404, whether the adoption of waste discharge requirements should be waived, whether a certification, with or without conditions, should be issued, or whether certification should be denied. The adoption of these waste discharge requirements constitutes a waiver of water quality certification for the projects authorized under this Order pursuant to Section 401 of the Clean Water Act.
8. The adoption of general waste discharge requirements for maintenance dredging and disposal of dredged spoils projects would assist in:
 - a. Protecting the groundwaters and surface waters of the state from contamination.
 - b. Simplifying and expediting the application process for the discharger.
 - c. Reducing Regional Board time expended on preparing and considering individual waste discharge requirements for each project.
9. Maintenance dredge and fill projects include one or more of the following processes:
 - a. Dredging
 - b. Beach replenishment (onshore and offshore)
 - c. Ocean disposal
 - d. Upland disposal
10. The Basin Plan identifies the following beneficial uses of the surface waters (includes inland surface waters and marine waters - not all surface waters have all of the beneficial uses listed below) in the San Diego Region:
 - a. Municipal and domestic supply;
 - b. Agricultural supply;
 - c. Industrial service supply;

- d. Industrial process supply;
 - e. Groundwater recharge;
 - f. Freshwater replenishment;
 - g. Navigation;
 - h. Hydropower generation;
 - i. Water contact recreation;
 - j. Non-contact water recreation;
 - k. Ocean commercial and sport fishing;
 - l. Warm fresh-water habitat;
 - m. Cold fresh-water habitat;
 - n. Preservation of areas of special biological significance;
 - o. Saline water habitat;
 - p. Wildlife habitat;
 - q. Preservation of rare and endangered species;
 - r. Marine habitat;
 - s. Fish migration;
 - t. Fish spawning; and,
 - u. Shellfish harvesting.
11. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:
- (a) past, present, and probable future beneficial uses of the waters under consideration;
 - (b) environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto;
 - (c) water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
 - (d) economic considerations;
 - (e) the need for developing housing within the region;
 - (f) the need to develop and use recycled water;
 - (g) beneficial uses to be protected and water quality objectives reasonably required for that purpose;
 - (h) other waste discharges; and
 - (i) the need to prevent nuisance.
12. Maintenance dredging and fill projects involve a minor alteration to land and as such is exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Code of Regulations, Chapter 3,

Section 15304(g).

13. Pursuant to this Order, the Executive Officer will notify this Regional Board of the receipt of an application and issuance of an authorization letter at the next regularly scheduled Regional Board meeting.
14. The Regional Board has considered all water resource related environmental factors associated with the discharge of waste associated with dredge/fill projects as described in this Order.
15. The Regional Board has notified the ACOE and all other known interested parties of the intent to prescribe waste discharge requirements for dredge/fill projects as described in this Order.
16. The Regional Board in a public meeting heard and considered all comments pertaining to the proposed discharge.

IT IS HEREBY ORDERED, that each authorized discharger (hereinafter discharger) shall comply with the following:

A. ELIGIBILITY

1. The project proponent must submit a complete report of waste discharge (RWD) and an appropriate filing fee for each maintenance dredge and fill project. The report of waste discharge shall include the following:
 - a. The documentation shall include a requirement-by-requirement analysis based on acceptable engineering practices, of how the operation of maintenance dredged and fill project will ensure compliance with Section B and Section C of this Order.
 - b. Documentation that the ACOE has determined that the proposed project is a "maintenance project".
 - c. Documentation that the ACOE and EPA have concluded that dredged materials proposed for near-shore disposal or for beach replenishment had been tested adequately, are predominantly sand (at least 80% with a grain size of >63 micrometers), and have no significant chemical contamination and/or are free of toxicity.
 - d. Documentation that the proposed project will comply with all applicable requirements of this Order.

2. Prior to beginning any maintenance dredged and fill project, the applicant must receive an authorization letter from the Regional Board's Executive Officer which states that it is appropriate to regulate the proposed project under general waste discharge requirements, and an individual permit is not required. The authorization letter shall specify the following:
 - a. Maximum volume of sediment and location that can be dredged and disposed; and
 - b. Any modification to Monitoring and Reporting Program No. 96-32; and
 - c. Any other conditions necessary to protect the beneficial uses of the receiving water.
3. The Executive Officer may require any discharger authorized under this Order to apply for and obtain an individual waste discharge requirements with more specific requirements by notifying the discharger in writing that an individual permit application is required. The notice shall include a deadline for the discharger to file the application, an application and a fee schedule.
4. When an individual waste discharge requirements with specific requirements is issued to a discharger, the applicability of this general permit to the individual permittee shall be terminated on the effective date of the individual permit.
5. Notwithstanding the conditions specified above, individual cases may be brought to the Regional Board for consideration of waste discharge requirements when deemed appropriate by the Regional Board's Executive Officer.

B. PROHIBITIONS

1. Discharges of dredged material and dredge material return water in a manner and to lands which have not been specifically described in the report of waste discharge and for which valid waste discharge requirements are not in force are prohibited.
2. Dredging, storage or disposal of dredged material and return water in a manner that create a pollution, contamination or nuisance, as defined by CWC Section 13050 is prohibited.
3. Dredging, storage or disposal of dredged material and

return water in a manner that causes a violation any Basin Plan prohibition or any Basin Plan water quality objective established for San Diego Bay is prohibited. The relevant sections from the Basin Plan are contained in Attachment No. 1 to this Order.

4. The discharge of materials of petroleum origin in sufficient quantities to be visible is prohibited.

C. OPERATION SPECIFICATIONS

1. Sediment shall be tested according to document entitled "1991 Evaluation of Dredge Materials Proposed for Ocean Disposal" under the direction and approval of the ACOE and EPA.
2. Sediment shall be removed or disposed in a manner that will not cause significant water quality degradation. Turbidity at Stations C and E shall not increase more than 20 percent over the turbidity at Stations A and D respectively. These stations are identified in Section E.1 and G.1 of the Monitoring and Reporting Program No. 96-32.
3. If dewatering is conducted as part of the dredging, transportation or disposal projects and if the dredged sediment is not suitable for ocean disposal or beach replenishment, a sediment dispersal control device such as a double silt curtain shall be installed around any point source discharge of the return water to surface waters.
4. Sediment shall not be deposited in a location that may cause significant adverse effects to aquatic life, fish, shellfish, or wildlife or may harm the beneficial uses of the receiving waters, or does not create maximum benefit to the people of the state. Beach replenishment activities at designated grunion spawning sites during the spawning season will be suspended unless the beach replenishment activities are authorized by the Department of Fish and Game.
5. The project shall not cause significant adverse impacts upon a federal sanctuary, recreational area, or other waters of significant national importance.
6. Sediment to be used for beach replenishment shall be classified in accordance with California Code of Regulations, Title 23, Division 3, Chapter 15 (Chapter 15), Article 2. The material is classified based on its threat to water quality (TTWQ,) which is determined from results of sediment and elutriate chemical

analyses submitted in the RWD. Based on the information provided in the RWD, these materials shall be classified as inert for disposal at a site that is not regulated as a classified waste management unit.

7. The discharger shall comply with attached Monitoring and Reporting Program No. 96-32, and future revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 96-32.

D. STANDARD PROVISIONS

1. DUTY TO COMPLY

The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.

2. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

3. PROPER OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.

4. CIVIL MONETARY REMEDIES

The California Water Code provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board is subject to a civil monetary remedy of up to 20 dollars per gallon of waste discharged or, if a cleanup and abatement order is issued, up to 15,000 dollars per day of violation or some combination thereof.

5. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and is subject to a civil liability of up to 5,000 dollars for each day in which the violation occurs.

6. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive

Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

7. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

8. COMPLIANCE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.

9. HAZARDOUS RELEASES

Except for a discharge which is compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control Plan.

10. PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who

without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan.

E. REPORTING AND RECORDKEEPING REQUIREMENTS

1. INITIAL REPORT

The discharger shall notify the Regional Board Executive Officer of the commencement of all dredging activities by letter prior to starting their project. The notification shall be received by the Regional Board at least three days before any dredging work begins.

2. PERMIT REPOSITORY

A copy of this Order shall be maintained at the discharger's facility and shall be available to operating personnel at all times.

3. MAINTENANCE OF RECORDS

The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

4. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Executive Officer of this Regional Board, within a reasonable time, any information which the Executive Officer may request to

determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

5. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- (a) Violation of any terms or conditions of this Order;
- (b) Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
- (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

6. CHANGE IN DISCHARGE

The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

- (a) Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste.)
- (b) Change in the disposal area from that described in the findings of this Order.
- (c) Increase in volume of dredged material beyond that specified in the Executive Officer's authorization letter.
- (d) Other circumstances which result in a material change in character, amount, or location of the waste discharge.
- (e) Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

7. CHANGE IN OWNERSHIP

This Order is not transferrable to any person except

after notice to the Executive Officer. The discharger shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code.

8. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

9. REPORT DECLARATION

All applications, reports, or information submitted to the Executive Officer shall be signed and certified as follows:

(a) The Report of Waste Discharge shall be signed as follows:

- (1) For a corporation - by a principal executive officer of at least the level of vice-president.
- (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
- (3) For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.

(b) All other reports required by this Order and other information required by the Executive Officer shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:

- (1) The authorization is made in writing by a

person described in paragraph (a) of this provision;

- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - (3) The written authorization is submitted to the Executive Officer.
- (c) Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

10. REGIONAL BOARD ADDRESS

The discharger shall submit reports required under this Order, or other information required by the Executive Officer, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd, Suite A
San Diego, California 92124-1331

F. NOTIFICATIONS

1. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.

The Order does not preempt or supersede the authority of other federal, state, or local agencies to prohibit, restrict, or control any maintenance dredge and fill project subject to these waste discharge requirements in any manner subject to their authority.

2. U.S. EPA REVIEW

These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.

3. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.


4. ORDER NOS. 75-35, 86-44, 94-124

This Order supersedes Order Nos. 75-35, 86-44, and 94-124. This Order becomes effective on the date of adoption by the Regional Board.

5. WATER QUALITY CERTIFICATION

The adoption of these general waste discharge requirements constitutes a waiver of water quality certification for every project covered by this Order pursuant to Section 401 of the Clean Water Act.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on May 9, 1996.



John H. Robertus
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

MONITORING AND REPORTING PROGRAM NO. 96-32
FOR
DREDGE/FILL PROJECTS
CONDUCTED IN NAVIGABLE WATERS
WITHIN THE SAN DIEGO REGION

A. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitoring discharge. All samples shall be taken at the monitoring points specified in this Monitoring and Reporting Program and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Executive Officer.
2. Monitoring must be conducted according to United States Environmental Protection Agency test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act as amended, unless other test procedures have been specified in this Monitoring and Reporting Program.
3. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Executive Officer.
4. Monitoring results must be reported on discharge monitoring report forms approved by the Executive Officer.
5. If the discharger monitors any pollutant more frequently than required by this Monitoring and Reporting Program, using test procedures approved under 40 CFR, Part 136, or as specified in this Monitoring and Reporting Program, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increase in frequency of monitoring shall also be reported.
6. The discharger shall retain records of all monitoring

information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Monitoring and Reporting Program, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

7. Records of monitoring information shall include:
 - (a) The date, exact place, and time of sampling, measurements, or observations;
 - (b) The individual(s) who performed the sampling, measurements, or observations;
 - (c) The date(s) analyses were performed;
 - (d) The individual(s) who performed the analyses;
 - (e) The analytical techniques or method used; and,
 - (f) The results of such analyses.
8. All monitoring instruments and devices which are used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.
9. The discharger shall report all instances of noncompliance not reported under Reporting Requirement 96-32 of this Order at the time monitoring reports are submitted. The reports shall contain the information listed in Reporting Requirement 96-32.
10. The monitoring reports shall be signed by an authorized person as required by Reporting Requirement 96-32.
11. A grab sample is an individual sample of at least 100 milliliters collected at randomly selected time over a period not exceeding 15 minutes.

B. INITIAL REPORT

The discharger shall notify the Regional Board by letter prior to starting their project. The notification shall be received by the Regional Board at least three days before any dredging work begins.

C. OPERATIONS MONITORING

The discharger shall submit as part of their monitoring report the following information:

1. Estimates of the daily volume (in cubic yards) of dredge material, the location from which the material was removed, and the location where the material was deposited of.
2. The total volume (in cubic yards) of dredged material removed during the project and the total volume (in cubic yards) of material deposited at each final disposal location.

D. VISUAL OBSERVATIONS

During any monitoring conducted pursuant to this monitoring and reporting program, visual observations shall also be made and recorded and submitted as part of the required reports. The following observations shall be made and recorded:

1. speed and direction of the currents;
2. tidal stage;
3. appearance of rubbish or refuse (including cans, bottles, paper, plastic, etc.), garbage, trash or any other solid waste;
4. appearance of oil or other materials of petroleum origin;
5. discoloration and extent of any visible turbidity plume; and,
6. odors.

E. RECEIVING WATER MONITORING

1. TURBIDITY

Sampling shall occur at three sampling stations. Station A is at 500 feet updrift of the dredging activities. Station B is inside any visual plume at the dredging site and/or within the silt curtain if possible. Station C is between 0 and 250 feet downdrift outside the silt curtain of the dredging activities and inside any visual plume if possible. At these stations, a Secchi Disc or turbidity meter shall be used each day during dredging activities to sample turbidity. If turbidity at Station C increases more than 20% over the turbidity at Station A, the dredging operations shall be suspended and appropriate measures taken, the Regional Board Executive Officer notified and remedial measures shall be implemented.

2. CHEMICAL ANALYSIS

A minimum of two grab samples of the receiving water at mid-depth shall be collected within the visible turbidity plume at the dredging site and at the near-shore disposal site and

analyzed for the listed constituents. At least one sample shall be at each station identified in the above Item E.1:

CONSTITUENT	UNIT	SAMPLING FREQUENCY	REPORTING FREQUENCY
Total suspended solids	mg/L	monthly	quarterly
hydrogen sulfide	mg/L	monthly	quarterly
polar and nonpolar grease & oil	mg/L	monthly	quarterly

F. SUPERNATANT

Whenever dredged materials are being deposited directly onto the beach, samples of supernatant from a loaded barge shall be collected three times a week and analyzed for polar and nonpolar oil and grease and reported quarterly.

G. BEACH MONITORING

1. Turbidity

Whenever dredged materials are being deposited directly onto the beach, water samples shall be taken at three sampling stations. Station D is at 3000 feet updrift of the disposal site and 500 feet offshore. Station E at 1500 feet downdrift of the disposal site and 500 feet offshore. Station F is at disposal site and inside any visual plume if possible. At these stations, a Secchi Disc or turbidity meter shall be used weekly during disposal activities to sample turbidity. If turbidity at Station E increases more than 20% over the turbidity at Station D, the disposal operations shall be suspended and appropriate measures taken, the Regional Board Executive Officer notified and remedial measures shall be implemented.

2. Coliform

Whenever dredged materials are being deposited directly onto the beach, three replicate water samples shall be taken once per week within 100 feet down current of each dredged material disposal point(s). If any water sample is found to contain bacteria in levels that exceed Ocean Plan Bacterial Water-Contact Standards, the Department of Health Services of the applicable County shall be notified immediately and the Regional Board shall be notified within 24 hours. Additional daily sampling shall be conducted within the surf zone at 100, 200, 500 and 1,000 feet downcurrent of the dredged material disposal points(s) until the bacterial contamination is noted for three consecutive days.

Monitoring reports for beach sampling, when all samples are in compliance with all water quality standards, shall be submitted quarterly. If any sample is identified as exceeding water quality standards, a report shall be submitted within 15 days after it has been determined that water quality has returned to compliance with applicable standards.

Except as indicated above, when no materials are being disposed directly on the beach, no beach monitoring is required.

H. COMPLIANCE STATEMENTS

The discharger will submit statements indicating compliance or noncompliance of the proposed project with the requirements of Order No. 96-32. Compliance statements will be submitted quarterly until project completion.

I. FINAL REPORT

The discharger will notify the Regional Board by letter upon completion of the project. Project completion is considered to be the date on which all dredged material has been deposited at its final disposal location.

J. REPORTING

Monitoring reports shall be submitted to the Executive Officer in accordance with the following schedule:

<u>Reporting Frequency</u>	<u>Report Period</u>	<u>Report Due</u>
Quarterly	January, February, March	April 30
	April, May, June	July 30
	July, August, September	October 30
	October, November, December	January 30

The discharger shall notify the Executive Officer by letter the date dredging activities subside and the date activity resumes.

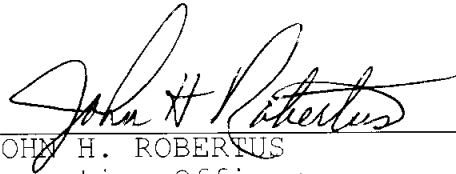
Monitoring and Reporting

-6-

Monitoring Reports shall be submitted to:

California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd., Suite A
San Diego, Ca 92124-1131

Ordered by:



JOHN H. ROBERTUS
Executive Officer
May 9, 1996

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ATTACHMENT NO. 1 TO ORDER NO. 96-32
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
MAINTENANCE DREDGE/FILL PROJECTS
CONDUCTED IN NAVIGABLE WATERS
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COMPREHENSIVE WATER QUALITY CONTROL PLAN, SAN DIEGO REGION

Prohibitions

Selected special considerations are to be applied as discharge regulations over and above constraints established by water quality objectives and effluent limitations. These prohibitions, listed subsequently, are applicable to any person as defined by Section 13050(c) of the California Water Code and to any person who is a citizen, domiciliary, or political agency or entity of California whose activities in California affect the quality of waters in the San Diego Region.

- The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in California Water Code Section 13050 is prohibited.
- The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264 is prohibited.
- The discharge of pollutants or dredged and fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code §13376) is prohibited.
- The dumping or deposition or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being transported into waters, is prohibited unless authorized by the Regional Board.
- The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board.
- Any discharge to a storm water conveyance system that is not composed entirely of "storm water" is prohibited unless authorized by the Regional Board. [The federal regulations, 40 CFR 122.26 (b) (13), define storm water as runoff, snow melt runoff, and surface runoff and drainage. 40 CFR 122.26 (b) (2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.] [§122.26 amended at 56 FR 56553, November 5, 1991; 57 FR 11412, April 2, 1992].
- The discharge of radioactive wastes amenable to alternative methods of disposal into the waters of the state is prohibited.
- The discharge of any radiological, chemical, or biological warfare agent into waters of the state is prohibited.
- The discharge of waste into a natural or excavated site below historic water levels is prohibited unless the discharge is authorized by the Regional Board.

- The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.
- The discharge of untreated sewage from vessels to San Diego Bay is prohibited.
- The discharge of treated sewage from vessels to portions of San Diego Bay that are less than 30 feet deep at mean lower low water (MLLW) is prohibited.
- The discharge of treated sewage from vessels, which do not have a properly functioning US Coast Guard certified Type I or Type II marine sanitation device, to portions of San Diego Bay that are greater than 30 feet deep at mean lower low water (MLLW) is prohibited.

Water Quality Objectives

The following objectives apply to all inland surface waters and enclosed bays and estuaries of the Region with the exception of ocean waters.

- Ammonia

The discharge of wastes shall not cause concentrations of un-ionized ammonia (NH₃) to exceed 0.025 mg/l (as N) in inland surface waters, enclosed bays and estuaries and coastal lagoons.

- Bacteria

In waters designated for contact recreation (REC-1), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200/100 ml, nor shall more than 10 percent of total samples during any 30-day period exceed 400/100 ml.

In waters designated for non-contact recreation (REC-1) and not designated for contact recreation (REC-1), the average fecal coliform concentrations for any 30-day period, shall not exceed 2,000/100 ml nor shall more than 10 percent of samples collected during any 30-day period exceed 4000/100 ml.

In waters where shellfish harvesting for human consumption, commercial or sport purposes is designated (SHELL), the median total coliform concentration throughout the water column for any 30-day period shall not exceed 70/100 ml nor shall more than 10 percent of the samples collected during any 30-day period exceed 230/100 ml for a five-tube decimal dilution test or 330/100 ml when a three-tube decimal dilution test is used.

In bays and estuaries, the most probable number of coliform organisms in the upper 60 feet of the water column shall be less than 1,000 per 100 ml (10 per ml); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml (100 per ml).

In San Diego Bay where bay waters are used for whole fish handling, the density of E. coli shall not exceed 7 per ml in more than 20 percent of any 20 daily consecutive samples of bay water.

- Biostimulatory Substances

Inland surface waters, bays and estuaries and coastal lagoon waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

- Color

Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.

- Dissolved Oxygen

Dissolved oxygen levels shall not be less than 5.0 mg/l in inland surface waters designated MAR or WARM beneficial uses or less than 6.0 mg/l in waters with designated COLD beneficial uses. The annual mean dissolved oxygen concentration shall not be less than 7mg/l more than 10% of the time.

- Floating Material

Waters shall not contain floating material, including solids, liquids, foams, and scum in concentrations that cause nuisance or adversely affect beneficial uses.

- Hydrogen Ion Concentration

Changes in normal ambient pH levels shall not exceed 0.2 units. In bays and estuaries the pH shall not be depressed below 7.0 nor raised above 8.5.

- Oil and Grease

Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.

- Radioactivity

Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to humane, plant, animal or aquatic life.

- Sediment

The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

- Suspended and settleable Solids

Waters shall not contain suspended and settleable solids in concentrations that cause nuisance or adversely affect beneficial uses.

- Tastes and Odors

Waters shall not contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

- Temperature

The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses.

At no time or place shall the temperature of any COLD water be increased more than 5°F above the natural receiving water temperature.

- Toxicity

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analysis of species diversity,

population density, growth anomalies, bioassays of appropriate duration or other appropriate methods as specified by the Regional Board.

- Turbidity

Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

Within San Diego Bay, the transparency of bay waters, insofar as it may be influenced by any controllable factor, either directly or through induced conditions, shall not be less than 8 feet in more than 20 percent of the readings in any zone, as measured by a standard Secchi disk. Wherever the water is less than 10 feet deep, the Secchi disk reading shall not be less than 80 percent of the depth in more than 20 percent of the readings in any zone.

August 23, 1995